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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,297	04/08/2004	Takao Yamamoto	393032044900	1122
25224 7590 03/18/2009 MORRISON & FOERSTER, LLP 555 WEST FIFTH STREET SUITE 3500 LOS ANGELES, CA 90013-1024				
EXAMINER				
EL CHANTIL, HUSSEIN A				
ART UNIT		PAPER NUMBER		
2457				
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03/18/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/821,297

Applicant(s)

YAMAMOTO, TAKAO

Examiner

HUSSEIN A. EL CHANTI

Art Unit

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to RCE received on Jan. 9, 2009. Claims 1-6 were canceled. Claims 7-10 were newly added. Claims 7-10 are pending examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Hipp, U.S. Patent No. 6,859,835.

As to claim 7, Hipp teaches a system comprising a computer and a control device, wherein the computer executes a plurality of software and the control device connects to the computer, the control device comprising:

a control that generates operation data in response to operation of the control; a plurality of data communication ports, each of which is assigned to one of said plurality of software executed on the computer and is a path for transferring the operation data to the computer to control a software assigned to a corresponding data communication port (see fig. 3 and col. 4 lines 44-66, each server application 160a-c is connected to a port 156a-c);

a setter that sets a different protocol to each of the plurality of data communication ports (see col. 7 lines 8-60, address and protocol translation are performed on the packet header);

a port selector that selects one of the plurality of data communication ports (see col. 7 lines 8-60);

a converter that converts the operation data in accordance with a protocol set to the selected data communication port (see col. 7 lines 8-60); and

a transmitter that transmits the converted operation data to the computer via the selected data communication port, thereby controlling the computer via the software to which the selected data communication port is assigned (see col. 8 lines 2-17).

As to claim 8, Hipp teaches the system according to claim 1, wherein the computer is connected to the control device via a physical single cable, and transmission of converted operation data is performed via the cable (see fig. 3).

As to claim 9, Hipp teaches a method of controlling a computer executing a plurality of software and connecting to a control device, the control device having a control and a plurality of data communication ports, said method comprising:

generating operation data in response to operation of the control;

assigning to one of said plurality of software executed on the computer and is a path for transferring the operation data to the computer to control a software assigned to a corresponding data communication port (see fig. 3 and col. 4 lines 44-66, each server application 160a-c is connected to a port 156a-c);

setting a different protocol to each of the plurality of data communication ports (see col. 7 lines 8-60, address and protocol translation are performed on the packet header);

selecting one of the plurality of data communication ports (see col. 7 lines 8-60);

converting the operation data in accordance with a protocol set to the selected data communication port (see col. 7 lines 8-60); and

transmitting the converted operation data to the computer via the selected data communication port, thereby controlling the computer via the software to which the selected data communication port is assigned (see col. 8 lines 2-17).

As to claim 10, Hipp teaches a machine-readable medium containing program instructions executable by a control device for controlling a computer executing a plurality of software and connecting to the control device, the control device having a control and a plurality of data communication ports, said program instructions causing the control device to perform the following steps:

generating operation data in response to operation of the control;

assigning to one of said plurality of software executed on the computer and is a path for transferring the operation data to the computer to control a software assigned to a corresponding data communication port (see fig. 3 and col. 4 lines 44-66, each server application 160a-c is connected to a port 156a-c);

setting a different protocol to each of the plurality of data communication ports (see col. 7 lines 8-60, address and protocol translation are performed on the packet header);

selecting one of the plurality of data communication ports (see col. 7 lines 8-60);
converting the operation data in accordance with a protocol set to the selected data communication port (see col. 7 lines 8-60); and
transmitting the converted operation data to the computer via the selected data communication port, thereby controlling the computer via the software to which the selected data communication port is assigned (see col. 8 lines 2-17).

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUSSEIN A. EL CHANTI whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hussein Elchanti/

Patent Examiner

March 13, 2009